

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 99- 9154

Appointment of a District Judge to Preside
in a State Bar Disciplinary Action

The Supreme Court of Texas hereby appoints the Honorable Pat Boone, Judge of the 57th District Court of Bexar County, Texas, to preside in the Disciplinary Action styled:

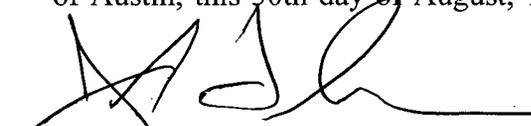
The Commission for Lawyer Discipline v. Harold J. Eisenman

filed as No. 95-CV0750 in the 212th District Court of Galveston County, Texas.

The Clerk of the Supreme Court shall promptly forward to the District Clerk of Galveston County, Texas, a copy of this Order for filing pursuant to Rule 3.03, Texas Rules of Disciplinary Procedure.

As ordered by the Supreme Court of Texas, in chambers,

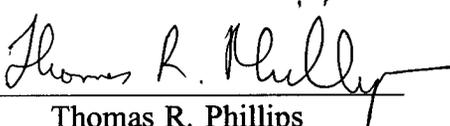
with the Seal thereof affixed at the City
of Austin, this 30th day of August, 1999.



JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 99-9154, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 31 day of August, 1999.


Thomas R. Phillips
Chief Justice

MOUNCE, GREEN, MYERS,
SAFI & GALATZAN
A PROFESSIONAL CORPORATION
ATTORNEYS AND COUNSELORS AT LAW
100 N. STANTON, SUITE 1700
EL PASO, TEXAS 79901-1448
(915) 532-2000



MAILING ADDRESS:
P.O. BOX 1977
EL PASO, TEXAS 79950-1977
FACSIMILE (915) 541-1597
MOUNCEGREENMYERS@worldnet.att.net

KURT G. PAXSON
BOARD CERTIFIED - CIVIL TRIAL LAW AND
PERSONAL INJURY TRIAL LAW
• TEXAS BOARD OF LEGAL SPECIALIZATION •

July 12, 1999

Mr. Brian Plotts
Office of the General Counsel
State Bar of Texas
P. O. Box 12487
Austin, Texas 78711

Re: Commission for Lawyer Discipline v. Harold Eisenman; in the 212th District
Court of Galveston County

Dear Mr. Plotts:

I am enclosing our Objection to Judge Homer Salinas. The Objection is self-effectuating. An Objection to a visiting judge is automatic and requires no hearing.

Salinas was judge of the 92nd District Court of Hidalgo County, Texas. While this case was on appeal, Salinas was beaten in the Democratic Primary by Edward Aparicio. Please request that the Supreme Court appoint a replacement judge.

Please let me know if you need any further information in order to make this request to the Supreme Court.

Very truly yours,

Kurt G. Paxson

KGP/jjv

Enclosure

JUN 22 AM 9:05

COMMISSION FOR LAWYER DISCIPLINE

IN THE DISTRICT COURT OF

Petitioner,

v.

HAROLD J. EISENMAN

Respondent.

COPY
GALVESTON COUNTY, TEXAS

GALVESTON COUNTY, TEXAS

212TH JUDICIAL DISTRICT

OBJECTION TO JUDGE

COMES NOW the Petitioner and would object to Judge Homer Salinas and would show as follows:

I.

Rule 3.02 of the Rules of Disciplinary Procedure requires the appointment of an "active district judge." Although Homer Salinas was an active district judge at the time of his appointment, he is now a former or retired district judge as those terms are defined by the Texas Government Code.

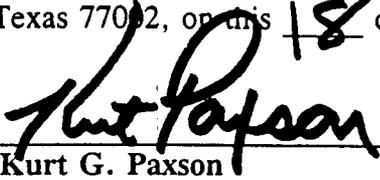
II.

Petitioner objects to Homer Salinas and would request the Supreme Court appoint a replacement judge.

WHEREFORE, PREMISES CONSIDERED, Petitioner prays that this matter be set down for a hearing, with notice to all parties, and upon due consideration, Petitioner's objection be sustained and that the Texas Supreme Court appoint a replacement judge.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was transmitted, via facsimile, (713) 225-2298, to Alan J. Winters, M.D., J.D., 4140 Bank of America Center, 700 Louisiana, Houston, Texas 77002, on this 18 day of June, 1999.



Kurt G. Paxson

STATE BAR OF TEXAS



Office of the General Counsel

July 28, 1999

John T. Adams, Clerk
Supreme Court of Texas
P.O. Box 12248
Austin, Texas 78711

Re: **Commission for Lawyer Discipline v. Harold Eisenman**; in the 212th District Court of Galveston County.

Dear Mr. Adams:

Enclosed is a letter from Special Assistant Disciplinary Counsel Kurt G. Paxson and a copy of the *Objection To Judge* filed in the above referenced case. Therefore, we respectfully request that a new judge be appointed to this case.

As a practical matter, I would respectfully suggest that you inquire with the judge to be appointed as to: (1) whether he or she will be able to comply with the 180 day deadline by which the case must be set for trial set forth in Section 3.07 of the Texas Rules of Disciplinary Procedure; and (2) whether he or she can accommodate compliance with Mellon Service Co., et al v. Touche Ross Co., 946 S.W.2d 862 (Tex. App. - Houston [14th Dist.] 1997), which requires that all proceedings incident to a case occur in the county of proper venue. If not, I would respectfully request that an alternate appointment be made.

Once a new trial judge has been appointed, please forward the Court's appointing order to the General Counsel's office of the State Bar of Texas.

Please call me if you have any questions or comments.

Sincerely,

Brian Plotts
Assistant General Counsel

BLP/lac
Enclosures

cc: Kurt G. Paxson

G:\GENERAL\BRIAN\EISENMAN\CORRESPO\SPCRT.LTR



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

TEL: (512) 463-1312

FAX: (512) 463-1365

JUSTICES
NATHAN L. HECHT
CRAIG T. ENOCH
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT
DEBORAH G. HANKINSON
HARRIET O'NEILL
ALBERTO R. GONZALES

SEP 03 1999

CLERK
JOHN T. ADAMS

EXECUTIVE ASST
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST
JIM HUTCHESON

ADMINISTRATIVE ASST
NADINE SCHNEIDER

Mr. Brian Plotts
Assistant General Counsel, State Bar of Texas
P.O. Box 12487, Capitol Station
Austin, Texas 78711-2487

Mr. Harold J. Eisenman
1900 West Loop South, Suite 1420
Houston, Texas 77002

Dear Mr. Plotts and Mr. Eisenman:

Pursuant to Rule 3.02 of the Texas Rules of Disciplinary Procedure, I hereby notify you that the Supreme Court of Texas has appointed the Honorable Pat Boone, Judge of the 57th District Court, San Antonio, Texas to preside in

Commission for Lawyer Discipline v. Harold J. Eisenman

Sincerely,

SIGNED

John T. Adams
Clerk



THE SUPREME COURT OF TEXAS

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HARRIET O'NEILL
ALBERTO R. GONZALES

SEP 03 1999

The Honorable Evelyn Wells Robison
District Clerk of Galveston County
722 Moody Avenue
Galveston, Texas 77550

Dear Ms. Robison:

Pursuant to Rule 3.03 of the Texas Rules of Disciplinary Procedure, I am sending for filing a copy of the Supreme Court's order appointing the Honorable Pat Boone, Judge of the 57th District Court, San Antonio, Texas, to preside in 95-CV0750, *The Commission for Lawyer Discipline v. Harold J. Eisenman*, in the 212th District Court of Galveston County, Texas.

Sincerely,


John T. Adams
Clerk

cc: Hon. Pat Boone
Mr. Brian Plotts
Mr. Harold J. Eisenman



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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SEP 03 1999

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JOHN T. ADAMS

EXECUTIVE ASS'T
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASS'T
JIM HUTCHESON

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

Honorable Pat Boone
Judge, 57th District Court
100 Dolorosa Street, #410
San Antonio, Texas 78205

Dear Judge Boone:

We enclose for your information a copy of the order of assignment, a copy of the Disciplinary Action, a copy of the notification letter to Mr. Eisenman and Mr. Plotts, and a copy of the letter to the District Clerk of Galveston County.

We then recommend that, four or five weeks after receipt of this letter, you or your coordinator contact the presiding judge or the District Clerk of Galveston County to find out the district court to which this disciplinary case has been assigned. We then recommend that, either before or immediately after you set the date for trial, the judge or coordinator of that court be contacted to reserve a courtroom, provide for a court reporter, etc. Finally, you should contact the Presiding Judge of the Administrative Judicial Region into which you have been assigned (713-655-2700) to obtain information on lodging, allowable expenses, and claims forms for your expenses incident to presiding over this disciplinary case.

Sincerely,

A handwritten signature in dark ink, appearing to read "John T. Adams".

John T. Adams
Clerk